



Memphis and Shelby County Land Use Control Board

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619
(Please visit our web site at: <http://www.dpdgov.com>)

SCHEDULE DECEMBER 13, 2007

- 8:30 A.M. EXECUTIVE SESSION City Council Conference Room , 5th Floor
- 10:00 A.M. MORNING PUBLIC SESSION City Council Chambers, Lobby
Subdivision Correspondence
Subdivisions, Street & Alley Closures
Street Dedications, Street Name Changes
Planned Development & Zoning Correspondence
Site Plan Reviews, Zoning Map Amendments & Zoning Text Amendments
Comprehensive Plan Adoption
- 12:00 Noon* LUNCH
- 1:00 P.M.* AFTERNOON PUBLIC SESSION City Council Chambers, Lobby
Planned Developments,
Special Use Permits,
Zoning Map Amendments
Zoning Text Amendments

*Time Approximate

Conflict of Interest Statement:

The adopted policy of the Land Use Control Board requires that any member of the Board recuse himself / herself from any participation in the discussion or voting on any matter on the meeting agenda in which he / she has a direct or indirect personal interest. The member shall vacate his / her seat during deliberation on any matter from which he / she has recused himself / herself.

General Order in Which Public Hearings Will Proceed:

1. The Chairman will open the Public Hearing by calling the Agenda item number and application Case Number as it appears on the agenda.
1. The OPD staff will explain the nature of the application and will present an analysis of it and the staff recommendation.

3. The applicant and proponents will be heard for a period not exceeding five (5) minutes.
4. The opponents will be heard for a time period not exceeding five (5) minutes.
5. The applicant will be given a two (2) minute period for rebuttal.
6. Board members proceed to discuss the application amongst themselves and may request clarification of certain points from staff or persons in the audience who spoke previously.
7. The Land Use Control Board will then vote to approve, approve in modified form, deny, or continue (hold) the application until a subsequent meeting.
8. The Board Chairman will then inform the audience of the outcome of the Board's action.

RIGHT TO APPEAL:

Any individual appearing or submitting written comments at the Land Use Control Board (LUCB) meeting, or any governmental body submitting comments may appeal the decision of the Land Use Control Board to the appropriate governing body(ies), i.e. Memphis City Council and/or Shelby County Commission. Appeals should be submitted within 10 working days of the Land Use Control Board action to the Chief Administrative Officer of the City of Memphis (Keith McGee, Jr.) and/or of Shelby County (John T. Fowlkes) with a copy of same to Mary Baker, Deputy Director for the Office of Planning and Development (OPD). This applies only to preliminary subdivision and correspondence applications. The balance of all of the other items heard on today's agenda are automatically forwarded to the City Council and/or County Commission for final action.

If you choose to file an appeal please be aware of the following additional requirements in order to make your appeal valid:

The request for an appeal shall: 1) indicate the name and case number of the application, 2) the date of the L.U.C.B. action, 3) the specific decision and/or conditions approved by the L.U.C.B. which are being appealed , 4) your suggested remedy, and 5) the name, address and phone number of the appellant. Please note that public hearing notification fees of \$50.00 are required to be paid to the City Council Records Office and/or the County Minutes Office, and \$100 to OPD. These fees should accompany your letter of appeal copied to OPD.

James Huntzicker, CAO
Shelby County
160 North Main Street
Memphis, TN 38103

Keith McGee, Jr., CAO
City of Memphis
125 North Main Street
Memphis, TN 38103

Mary Baker, Deputy Director
Office of Planning & Development
125 North Main Street, Suite 468
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AGENDA

10:00 A.M. MORNING PUBLIC SESSION

- A. ROLL CALL
- B. SECRETARY'S REPORT
- C. CONSENT AGENDA Items # 2-15 & 16-20

Agenda items # 2-15 & 16-20 comprise the various applications pertaining to land subdivision and zoning to be heard this morning as part of the Consent Agenda. The Board will act on all of these items as a group with one vote subject to the recommendation of the Office of Planning and Development in its Staff Report--rather than vote on each item separately. This also applies to items which otherwise involve a public hearing where notice was sent to adjacent property owners. Such action satisfies the legal requirements for holding a public hearing so long as no one wishes to speak either for or against an item listed as being on the Consent Agenda.

If Board Members or persons in the audience wish to discuss any item, that item is pulled from the others for separate discussion and vote by the Board and the remaining items are voted on as a group. If you desire to speak in regard to an application listed as being part of the Consent Agenda, please come to the podium at the front of the chamber and notify the Board Chairman of the Agenda Item Number after the Consent Agenda and staff recommendation for this morning's applications have been read.

Please fill out an Attendance/Speaker's Card and hand it to an OPD staff member sitting behind the railing in the front of the chamber if you intend to address the Board in regard to any item found on today's Agenda. Cards may be found at the speakers podium and at the Sergeant At Arms table. If you decide to speak, please start by giving your name and street address, then tell the Board of your concern. If there are several in your area with similar concerns, you may appoint a spokesperson. The Board is particularly interested in the specific reasons you are for or against a proposal.

If you are attending the meeting on a specific agenda item but do not wish to speak it is requested that you nonetheless fill out an Attendance/Speaker's Card so that your attendance may be recorded at the meeting. This is necessary in order to preserve your right to appeal the decision of the Land Use Control Board to the City Council and/or County Commission for applications regarding preliminary subdivision applications and most planned development and zoning correspondence applications on today's agenda.

ZONING TEXT AMENDMENT APPLICATION

1. **CASE NUMBER:** **ZTA 07-004 CC**

APPLICANT: Office of Planning & Development

REPRESENTATIVE: Mary Baker

REQUEST: Various amendments to the Memphis and Shelby County
Zoning Ordinance Sign Regulations as follows:

Revisions to the regulations governing temporary signs to
remove references to types of signs by content;
Add new regulations for flashing, moving and changeable
signs
to address new, digital displays on both on premise and off
premise signs;
Add a new requirement for master signage plans to encourage a
planned approach to sign approval for shopping centers and
other planned developments, especially those using integrated
center signs;
Add severability provisions to insure that if one provision of
the ordinance is declared unconstitutional by a court, the
remainder shall remain in effect;
Various improvements throughout the ordinance to solve
known ambiguities for improved enforcement.

CORRESPONDENCE APPLICATIONS

2. **CASE NUMBER:** **S 05-058**

DEVELOPMENT NAME: **UPTOWN REDEVELOPMENT SUBDIVISION 10**

LOCATION: Northwest and southwest corners of N. Main Street and Looney Avenue

APPLICANT: MLB-Uptown, LLC

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: High Density Residential (HDR) District

REQUEST: 2 Year Preliminary Plat Time Extension

PROPERTY SIZE: 2.20 Acres

3. **CASE NUMBER:** **S 05-078**

DEVELOPMENT NAME: **UPTOWN REDEVELOPMENT SUBDIVISION 18**

LOCATION: North side of Looney Avenue; between Sixth Street & Seventh Street

APPLICANT: MLB-Uptown, LLC

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: Moderate Density Residential (MDR) District

REQUEST: 2 Year Preliminary Plat Time Extension

CORRESPONDENCE APPLICATIONS

4. **CASE NUMBER:** **S 07-031**

DEVELOPMENT NAME: **LEVEE ROAD SUBDIVISION**

LOCATION: ±703 feet north of Levee Road and ±800 feet west of
Interstate 240

APPLICANT: Robert Pelts

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: Light Industrial (I-L) District

REQUEST: Remove and revise previously approved conditions

DEFERRED APPLICATIONS

5. **CASE NUMBER:** **S 07-011**

DEVELOPMENT NAME: **PLATINUM ESTATES SUBDIVISION**

LOCATION: South side of Frayser Raleigh Road @ Windemere Road

APPLICANT: Katrina Walker

REPRESENTATIVE: McCaskill Consultant – Tim McCaskill

EXISTING ZONING: Single Family Residential (R-S10 & R-S6) Districts

REQUEST: 108 Lot Preliminary Plat

PROPERTY SIZE: 34.34 Acres

6. **CASE NUMBER:** **S 07-032**

DEVELOPMENT NAME: **THE CHARLESTOWNE MANOR @ SOUTH END**

LOCATION: Northeast corner of E.H. Crump Boulevard and Florida Street

APPLICANT: 25 E. Virginia Avenue General Partnership

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: South Central Business Improvement (SCBID) & Bluff
Residential (R-B) Districts

REQUEST: 39 Lot Preliminary Plat

PROPERTY SIZE: 3.316 Acres

NEW APPLICATIONS

7. **CASE NUMBER:** **SAC 07-616**
- STREET NAME:** **DUNLAP ALLEY STREET CLOSURE**
- LOCATION: ±127.03 feet west of Dunlap Street
- APPLICANT: FPC Realty
- REPRESENTATIVE: Barge, Waggoner, Sumner & Cannon, Inc.
- EXISTING ZONING: Light Industrial (I-L) District
- REQUEST: Close & Vacate Ally Right-Of-Way
- PROPERTY SIZE: 1,575 Square Feet
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8. **CASE NUMBER:** **SAC 07-617**
- STREET NAME:** **LEATH STREET CLOSURE**
- LOCATION: ±225 feet south Gene Logan Drive
- APPLICANT: FPC Realty
- REPRESENTATIVE: Barge, Waggoner, Sumner & Cannon, Inc.
- EXISTING ZONING: Light Industrial (I-L) District
- REQUEST: Close & Vacate Street Right-Of-Way
- PROPERTY SIZE: 8,090 Square Feet

NEW APPLICATIONS

9. **CASE NUMBER:** **SNC 07-803**

STREET NAME: **CHARLIE VERGOS RENDEZVOUS ALLEY**

LOCATION: Between Monroe Avenue and Union Avenue

APPLICANT: Nick Vergos

REPRESENTATIVE: Nick Vergos

EXISTING ZONING: Central Business (CBD) District

REQUEST: Close & Vacate Alley Right-Of-Way

AREA: 6,260 square feet (Length 313' x Width 20')

10. **CASE NUMBER:** **S 07-023**

DEVELOPMENT NAME: **CROW'S TRUCKING SUBDIVISION**

LOCATION: Northeast corner of Lamar Avenue (U.S. Hwy 70) & Holmes Road

APPLICANT: William B. Crow

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: Highway Commercial (C-H) District

REQUEST: 3 Lot Preliminary Plat

AREA: 16.375 Acres

NEW APPLICATIONS

11. **CASE NUMBER:** **S 07-042 CC**

DEVELOPMENT NAME: **SNOWDEN E HARRELL SUBDIVISION**

LOCATION: East side of Brunswick Road; \pm 1,808 feet south of
Memphis-Arlington Road

APPLICANT: Snowden E. Harrell & Annell

REPRESENTATIVE: Utility Solutions, LLC

EXISTING ZONING: Agricultural (AG) District

REQUEST: 2 Lot Preliminary Plat

PROPERTY SIZE: 3.587 Acres

12. **CASE NUMBER:** **S 07-045**

DEVELOPMENT NAME: **PERKINS ARNOLD SOUTH SUBDIVISION**

LOCATION: West side of S. Perkins Road; \pm 287.65 feet south of
Knight Arnold Road

APPLICANT: Southland Investment Partners

REPRESENTATIVE: WH Porter & Company

EXISTING ZONING: Local Commercial (C-L) District

REQUEST: 2 Lot Preliminary Plat

PROPERTY SIZE: 0.55 Acre

NEW APPLICATIONS

13. **CASE NUMBER:** **S 07-046 CC**

DEVELOPMENT NAME: **LADERA VILLAS SUBDIVISION**

LOCATION: North side of Holmes Road; +1,056 feet west of Ross Road

APPLICANT: Joseph & Paula Loeb

REPRESENTATIVE: Royston Construction Consultants, Inc. - Evelyn Royston

EXISTING ZONING: Single Family Residential (R-S8) District

REQUEST: 15 Lot Preliminary Plan

PROPERTY SIZE: 4.1 Acres

14. **CASE NUMBER:** **S 07-047**

DEVELOPMENT NAME: **COVINGTON PIKE BUSINESS CENTER
SUBDIVISION**

LOCATION: South east side of Covington Way; south of Elmore Road

APPLICANT: Covington Way, L.P.

REPRESENTATIVE: Makowsky, Ringel, Greenberg, LLC

EXISTING ZONING: Light Industrial (I-L) District

REQUEST: 2 Lot Preliminary Plat

PROPERTY SIZE: 5 Acres

NEW APPLICATIONS

15. **CASE NUMBER:** **S 07-048**

DEVELOPMENT NAME: **ARLEDGE SUBDIVISION**

LOCATION: East side of Covington Pike; extending to south side of
 Raleigh-LaGrange Road

APPLICANT: EK & J Arledge V Family Ltd. Partnership

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

EXISTING ZONING: Highway Commercial (C-H) District

REQUEST: 2 Lot Preliminary Plan

PROPERTY SIZE: 1.365 Acres

PLANNED DEVELOPMENT CORRESPONDENCE APPLICATIONS

16. **CASE NUMBER:** **P.D. 91-308**

DEVELOPMENT NAME: **FOUNDERS POINT PLANNED DEVELOPMENT**

LOCATION: North side of Channel 3 Drive; ±508 feet west of Riverside Drive

APPLICANT: Founders Pointe Limited Partnership (Rona Neuberger)

REPRESENTATIVE: SSR Ellers

REQUEST: Modify Outline Plan Condition IX.B to specify access requirements to Parcel II of the Founders Pointe Planned Development

AREA: 7.85 Acres

17. **CASE NUMBER:** **P.D. 92-319**

DEVELOPMENT NAME: **RALEIGH –LAGRANGE NONCONNAH PARTNERS PLANNED DEVELOPMENT**

LOCATION: ±478 feet east of the intersection of Raleigh LaGrange Road and Shelby View Road

APPLICANT: Belz Investco, GP

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

REQUEST: Allow 2 attached signs in addition to one already permitted to advertise the Tropical Nut House

PLANNED DEVELOPMENT CORRESPONDENCE APPLICATIONS

18. **CASE NUMBER:** **P.D. 04-385**

DEVELOPMENT NAME: **APPLING FARMS BUSINESS PARK PLANNED DEVELOPMENT**

LOCATION: South side of Appling Farms Parkway; \pm 2,098 feet east of Whitten Road

APPLICANT: VLE Properties, Inc.

REPRESENTATIVE: SR Consulting, LLC – Cindy Reaves

REQUEST: Window displays along the north and south frontages

EXISTING ZONING: Currently governed by P.D. 04-385

19. **CASE NUMBER:** **P.D. 06-314 CC**

DEVELOPMENT NAME: **LEE LINE FARMS PLANNED DEVELOPMENT, AMENDED**

LOCATION: Northwest corner of Houston Levee Road and Macon Road

APPLICANT: Wal-Mart Stores, Inc.

REPRESENTATIVE: Carlson Consulting

REQUEST: Site plan approval for a Wal-Mart Supercenter consisting of 176,305 square feet of floor area

PROPERTY SIZE: 26.87 Acres

20.	CASE NUMBER:	<u>P.D. 06-326</u>
	DEVELOPMENT NAME:	<u>RAINTREE VILLAGE PLANNED DEVELOPMENT, AMENDED</u>
	LOCATION:	Northwest corner of Raleigh-LaGrange Road and Chiswood Street
	APPLICANT:	Prewitt-Andrews, LLC
	REPRESENTATIVE:	SR Consulting, LLC
	REQUEST:	Site Plan Modification to allow for the building and parking expansion of an existing office building
	PROPERTY SIZE:	1.50 Acres

1:00 P.M. AFTERNOON PUBLIC SESSION

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DEFERRED APPLICATIONS

21. **CASE NUMBER:** **Z 07-114**

LOCATION: Southwest corner of Stage Road and Coleman Road

APPLICANT: B & W Hotel, LLC

HOLD

REPRESENTATIVE: McCaskill Consultants – Tim McCaskill

EXISTING ZONING: Planned Commercial (C-P) District

REQUEST: Amend the existing Planned Commercial(C-P) District to allow all uses permitted by the District

PROPERTY SIZE: 3.03 Acres

22. **CASE NUMBER:** **S.U.P. 07-215**

LOCATION: North side of E.H. Crump Boulevard; ±138 feet west of S. Third Street

APPLICANT: B & W Hotel

HOLD

REPRESENTATIVE: McCaskill Consultants – Tim McCaskill

EXISTING ZONING: South Central Business Improvement District Gateway Commercial

REQUEST: Hotel

PROPERTY SIZE: 1.01 Acres

DEFERRED APPLICATIONS

23. **CASE NUMBER:** **S.U.P. 07-216**

LOCATION: Southeast corner of Stage Road and Coleman Road

APPLICANT: B & W Hotel, LLC

HOLD

REPRESENTATIVE: McCaskill Consultants – Tim McCaskill

EXISTING ZONING: Planned Commercial(C-P) District

REQUEST: Hotel

PROPERTY SIZE: 3.03 Acres

24. **CASE NUMBER:** **S.U.P. 07-220**

LOCATION: Southwest corner of Butler Avenue and S. Front Street

APPLICANT: Jeffrey S. Warren, M.D.

REPRESENTATIVE: Robert Pinstein

EXISTING ZONING: South Main Special(SMSD) District

REQUEST: Art Gallery and Vintage Automobile storage facility

PROPERTY SIZE: 0.21 Acre

DEFERRED APPLICATIONS

25. **CASE NUMBER:** **U.V. 07-09**

LOCATION: North side of Evelyn Avenue; east of Kyle Street intersection

APPLICANT: Dean Graves

EXISTING ZONING: Single Family Residential(R-S6) District

REQUEST: Use Variation for Warehouse Use

PROPERTY SIZE: 0.68 Acre (29,000 Square Feet)

26. **CASE NUMBER:** **U.V. 07-11**

LOCATION: Southeast corner of Mallory Avenue and Orleans Street

APPLICANT: Memphis Investment Properties, LLC

REPRESENTATIVE: Jim Reedy

EXISTING ZONING: Duplex Residential(R-D) District

REQUEST: Use of existing building as a Day Care Center

PROPERTY SIZE: 14,000 Square Feet (0.32 Acre)

NEW APPLICATIONS

27. **CASE NUMBER:** **P.D. 07-340**

DEVELOPMENT NAME: **MELROSE PLACE PLANNED DEVELOPMENT**

LOCATION: South side of Park Avenue; opposite the intersections of
Laurel Street and Maywood Street

APPLICANT: Patton & Taylor Enterprises, LLC

REPRESENTATIVE: Barge, Waggoner, Sumner & Cannon, Inc. – Charles Goforth

EXISTING ZONING: Planned Commercial(C-P) District

REQUEST: Multiple family residential development with 192 apartment
units

PROPERTY SIZE: 7.53 Acres

28 **CASE NUMBER:** **P.D. 07-341**

DEVELOPMENT NAME: **SOUTHERN STEEL PLANNED DEVELOPMENT**

LOCATION: Southwest & northwest corners of Galloway Avenue
And Dunlap Street

APPLICANT: FPC Realty

REPRESENTATIVE: Charles Goforth - Barge, Waggoner, Sumner & Cannon, Inc.

EXISTING ZONING: Light Industrial(I-L), Moderate-Density Residential (MDR)
& Single Family Residential(R-S6) Districts

REQUEST: Expansion of an existing industrial use onto the subject tracts
that include the processing, storage and distribution of steel
and other metal construction and fabrication products

PROPERTY SIZE: 9.121 Acres

NEW APPLICATIONS

29. **CASE NUMBER:** **P.D. 07-343**

DEVELOPMENT NAME: **KIRBY GATE SOUTH PLANNED DEVELOPMENT,**
 3RD AMENDMENT

LOCATION: West side of Quince Road @ Wheel Cove

APPLICANT: K G Land, LLC

REPRESENTATIVE: Fisher & Arnold, Inc. – Jud TePaske

EXISTING ZONING: Governed by the Conditions of P.D. 05-355

REQUEST: Remove Condition III.B which requires reservation of the
Right-Of-Way for Ridgeway Road Extended

PROPERTY SIZE: 50.46 Acres

30. **CASE NUMBER:** **Z 07-117 CO**

LOCATION: Southwest corner of Shakerag Road and Cuba-Millington
Road

APPLICANT: Michael & Kelly Goode

EXISTING ZONING: Local Commercial(C-L) District

REQUEST: Agricultural(AG) District

PROPERTY SIZE: 4.096 Acres

NEW APPLICATIONS

31. **CASE NUMBER:** **U.V. 07-13**

LOCATION: South side of Fields Road; ±218.64 feet west of Osceola Drive

APPLICANT: Leroy Walls & Robert L. Hale

REPRESENTATIVE: Self-Tucker Architects

EXISTING ZONING: Single Family Residential(R-S6) District

REQUEST: Use Variation to allow motor vehicle service

PROPERTY SIZE: 1.26 Acres